Single Bench

BEFORE THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WP-1047/2005(SB)
Other Matters

PETITIONER : Himalaya Commercial Complex Pvt. Ltd Supela, Bhilai, Po. Supela, Distt : Durg Chhattisgarh. Through its Director: Santosh Golchha S/o Late Shri Kewal Chand Golchha, aged abut 52 years, Director and Chairman of M/s Himalaya Commercial Complex Pvt. Ltd, Supela, Bhilai, resident of Usha ~~Krishna~~ Kiran Malviya Nagar, Durg (CG).

P.R.No. 1045/05 Kv. Rathore
Presented by Shri
dated 11-03-05

V E R S U S

RESPONDENTS : **01.** Bhilai Builders Pvt. Ltd.
PLAINTIFFS Through Director Smt. Madhu Jain at B-2/11, Ravi Bhawan, G.E. Road, Po. Distt : Raipur (CG).

Defendant-1 (3) **02.** Gulab Chand aged about 44 years S/o Late Lalchand Jain R/o Sanichri Bazar Durg, Po. & Distt : Durg (CG).

Defendant-1 (4) **03.** Kishore Jain aged about 41 years S/o Lalchand Jain R/o Sanichari Bazar. Durg, Po. & Distt : Durg (CG).

04. M/s Lease and rents, Bata India Ltd. Through The Manager, 6-A, S.N. Banerjee Road, Kolkata-13, Pin-700013.

Defendant-1 (b) **05.** Dilip Golchha Director Himalaya Commercial Complex Pvt. Ltd R/o 36, Ayodhya Complex, Malviya Nagar, Po. & Distt : Durg (CG).

Petition under article 226/227 of the Constitution of India – For issuance of a writ of mandamus and certiorari and any other writ/direction/order.

XI-HC-22

(45)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.NO.1047/2005 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

23-3-2005

Shri B.R. Ghosh, Advocate for the petitioner.

Heard.

Learned counsel for the petitioner submits that a suit has been filed by respondent no. 1 – Smt. Madhu Jain. He further submits that respondent no. 2 – Gulab Chand and respondent no. 3 Kishore Jain have wrongly been joined in the suit. An application was filed under Order 1 Rule 10(2) of C.P.C. for deleting their names on the ground that they are not the directors of the company. This contention has been repealed and direction has been issued to file written statement.

Having considered the facts and circumstances of the case and material on record, in the opinion of this Court, ends of justice will be served if the petition is disposed of with a direction to the petitioner to file written statement and take all the grounds available under the law including misjoinder of parties.

Subject to the above observations, the petition is disposed of at this stage.

Consequently, M.(W.)P. No. 839/2005 and I.A. No. 1983/2005 also stand disposed.

Sd/-
Fakhruddin
Judge

(पीछे देखिये)